

Notice of Allowability

Application No.

10/717,022

Examiner

Linda L. Gray

Applicant(s)

HAUBER ET AL.

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 8-16-05.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: the drawings filed 11-20-03 (Figs 1, 1A, 3) and filed 8-16-05 (Fig 2) are accepted by the examiner.

Examiner's Amendment/Comment

Authorization

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. McDevitt on 11-10-05.

Amendment

3. The application has been amended as follows:

Page 8, line 14, -- stationary or rotating knife -- has been inserted after "paired".

Claim 10, line 2, "edge" has been changed to -- blade --.

Claim 11, line 2, -- knife -- has been inserted after "moving".

Claim 12, line 2, -- knife -- has been inserted after "disc".

Claims 15-23 have been canceled.

Claim 3 has been amended as follows:

Claim 3 (currently amended) The apparatus of claim 1 wherein the ~~resin-impregnated tape being employed is supplied to the head member before automated operation is initiated~~ head member is capable of receiving the resin impregnated tape before automated operation is initiated.

Claim 4 has been amended as follows:

Claim 4 (currently amended) The apparatus of claim 3 wherein the ~~resin-impregnated tape being employed is also trimmed before being supplied to said head member~~ head member is capable of receiving a trimmed resin impregnated tape.

Examiner's Statement of Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: Frank does not teach that the predetermined length of unbacked tape T from tape supply 20 is severed while still being continuously fed from head member 10 as claim 1 has been amended to recite and it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Frank that the predetermined length of unbacked tape T from tape supply 20 is severed while still being continuously fed from head member 10 because Frank specifically recites at column 4, lines 16-23, that " . . . the linear tape placement is stopped a predetermined distance before the end of the required dimension is reached, the shearing mechanism is activated to shear the tape, and then the travel of the head relative to the working surface in the same direction is continued to complete placement of the tape." Also, see column 8, of Frank, at lines 48-65.


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

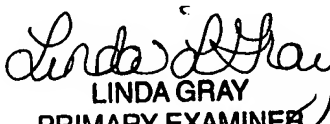
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda L. Gray whose telephone number is (571) 272-1228. The examiner can normally be reached on Monday-Friday, 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg 
November 14, 2005


LINDA GRAY
PRIMARY EXAMINER